Ruling on Hameli revisited

after 4/22

Arbitrator says firing was improper

By JERRY HAGER
Staff reporter

WILMINGTON — Chief Medical Examiner Dr. Ali Z. Hameli was improperly fired by the state two years ago for sexual harassment, a federal magistrate concluded in a 116-page opinion written in February and released Monday.

U.S. Magistrate Mary Pat Trostle faulted the state's investigation into the allegations and doubted the veracity of the diaries of the two women who accused Hameli of sexually harassing them.

Ali Z. Hameli

The magistrate gave more credence to Hameli's theory that Dr. Elizabeth Laposata, a former Delaware deputy medical examiner and now Rhode Island's chief medical examiner, conspired with the accusers to undermine Hameli's authority.

Trostle's opinion was obtained after a federal judge granted The News Journal Co.'s request to unseal the court file involving Hameli's federal lawsuit against the state. After the request was filed, Hameli's lawyer, Sheldon N. Sandler, joined with the newspaper in asking that the files be opened.

Deputy Attorney General Marsha Kramarck said the case files were sealed at Hameli's request. "Dr. Hameli now changes his position that [only] certain documents be open. We take the position that all documents should be open," she said.

The opinion wasn't flattering to Hameli, who Trostle said, "initiated conversations with female employees with a familiarity that he would have found unacceptable from them."

In a footnote, Trostle wrote that Hameli should be suspended without pay for a period, then be put on probation and given courses related to workplace behavior.

A hearing on the state's attempt to set aside Trostle's ruling is to be held this morning before U.S. District Judge Sue L. Robinson.

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Hameli: Hearing on ruling today

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Hameli was fired in April 1994, for sexual harassment and has not worked for the state since. Yet he still draws his state paycheck and had been paid about $211,000 as of May 1.

Hameli was ordered reinstated Sept. 2, 1994, by Robinson, who ruled that the state had violated his constitutional right to a full termination hearing.

He was given back pay but was suspended with pay as the case proceeded to a hearing before Trostle, who wasn't acting in her judicial capacity but as an independent arbitrator.

Trostle held 10 days of hearings over a five-week period in December 1994 and took 14 months to release her opinion.

In the opinion she disclosed:

- The state paid $70,000 to each of Hameli's two accusers to settle their claims of sexual harassment;
- "Money was a motivation" for one of Hameli's accusers;
- Hameli made inappropriate comments to his female employees;
- Hameli gave one of his female employees perfume and another, $100;
- Hameli was a controlling manager who looked upon the medical examiner's office as "his only child" because he built the office from the ground up in the 1970s, taking it from the former politically rooted coroner system.

The women who accused Hameli claimed he talked to them about sexual topics, including their love lives, their dress and their bodies. One accused him of constantly reminding her that she could be fired at will.

Hameli has served two 10-year terms as medical examiner and is in the middle of his third term. It expires March 15, 2000. The incidents of harassment allegedly occurred at various times in 1991, 1992 and 1993. The women didn't initially file official complaints: One mentioned it in an exit interview after resigning her position to take another job, the other woman came forward later.

The state began its investigation of Hameli in 1994. Trostle said that early on investigators came to the conclusion that Hameli was guilty.

"Whatever objectivity the state investigation initially had was eliminated before any interview with Hameli transpired," Trostle wrote.